

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, July 7, 2009.

Board Members Present:

William C. Chase, Jr., Chairman

Larry W. Aylor, Vice-Chairman

Sue D. Hansohn

Steven E. Nixon

Brad C. Rosenberger

Tom S. Underwood

Steven L. Walker

Staff Present:

Frank T. Bossio, County Administrator

Roy B. Thorpe, Jr., County Attorney

John Egertson, Planning Director

Sam McLearen, Zoning Administrator

Donna Foster, Deputy Clerk

Barry Atchison, Assistant to the Deputy Clerk

CALL TO ORDER

Mr. Chase, Chairman, called the meeting to order at 7:00 p.m., and read the following statement into the record:

All meetings and work sessions shall be conducted by all participants with observance of the fundamental rules of civility, including restraint in demeanor and respect for others and their views. Shouting, profanity, threats, personal attacks, and other similar actions are unacceptable. Should the Chairman determine that a participant is likely to or has violated the foregoing conduct guidelines, the Chairman may take appropriate action.

CITIZEN FORUM

Mr. Chase opened the Citizen Forum and called for comments on any item that was not on the agenda.

Wayne Stilwell, Stevensburg District, addressed the Board with appreciation for Chairman Chase, who had done a great job representing his district. He stated he appreciated all the Supervisors' service, as well as, Mr. Bossio. He also complimented the work the Planning Commission was doing on developing the comprehensive plan. He noted that Mr. Chase was the only one who had taken a stand on his behalf when the 200' buffer zone was implemented when the Scott property was added to the agricultural/forestal district. He encouraged the Board to provide water and sewer service into the various village center areas to protect the use of the land. He mentioned his disappointment with Governor Tim Kaine and noted with reference to the closing of the state highway rest areas that tollbooths needed to be installed in order to keep the people working. He thanked the Board, Commission and staff for what they were doing to protect the local jobs.

Richard (Dewey) McDonnell, Salem District, thanked the Board for its service to the County and expressed his concern with the financial situation on the local, state and national levels. He read for the record a letter dated June 15, 2009 from H. Steven Arrington, District 5 Supervisor in Bedford County. In his letter, Mr. Arrington requested his republican colleagues both locally and statewide, to join him in voting no to any and all funds associated with H.R. 1 (The American Recovery and Investment Act ("stimulus package")). (See Clerk's file for copy of the letter.) Mr. Arrington's letter stated "Big government, combined with wasteful spending and a lack of fiscal restraint, has brought us to financial ruin and bankruptcy."

Mr. McDonnell noted that business as usual would not fix the financial situation. He expressed his concern that education has not benefited but rather suffered because of funding coming from outside the county and all of the "program" strings attached. He believed if things continued on the course they are headed, the entire funding system would collapse. He stated whatever the outcome, he promised to help rebuild the county.

With no further comments, Mr. Chase closed the citizen forum.

AGENDA ADDITIONS AND/OR DELETIONS

Mr. Chase called for additions and/or deletions to the agenda.

Mr. Aylor moved, seconded by Mrs. Hansohn, to approve the agenda as presented. Mr. Chase called for voice vote.

Ayes – Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker

Motion carried 7 to 0.

PUBLIC HEARINGS

THE BOARD WILL RECEIVE PUBLIC COMMENTS AND CONSIDER THE AMENDMENT OF CHAPTER 12 TAXATION, SECTION 12-6, OF THE CODE OF THE COUNTY OF CULPEPER, VIRGINIA

Mr. Thorpe introduced this item for public hearing. He noted the purpose of the ordinance amendment was to mirror the language contained in the current Code of Virginia that allows for collection of fees, including attorney's fees, with or without filing suit. He noted that Mr. DeJarnette, County Attorney, had requested the change; however, he could not be present for the meeting. Mr. Thorpe noted the Treasurer had entered into an agreement with a law firm to help with collection of delinquent taxes and in doing this, it was noted the County Code was out of date and needed to be brought into concert with the State Code.

Mr. Chase opened the public hearing

There being no one wishing to address the Board, the public hearing was closed.

Mr. Chase expressed concern with adding an additional amount to tax bills when people get into a position they cannot pay. He asked if it was a required collection.

Mr. Thorpe explained it was not required, but was permitted by the State Code. He noted that currently the County Code authorizes the collection of the fees; however, the did not follow the State Statute and the proposed amendment would change the language to match that which was in the State Code.

Mr. Thorpe discussed with the Board the fees allowed under the State Code. In response to a question on why the Treasurer could not handle the collections thereby avoiding paying extra attorney fees, Mr. Thorpe noted it was a matter of resources. He noted the collection agency, or in this case, the legal firm that has been chosen to handle delinquent tax collections, will be handling the collections at no expense to the County. The firm will receive its payment through the fees added to the taxpayer's bill. Mr. Thorpe explained that the Treasurer would handle the collections, but once it reached a certain point it would be turned over to the legal firm for collection.

Following further brief discussion, Mr. Nixon moved, Mr. Underwood seconded, approval of the amendment to Chapter 12 Taxation, Section 12-6, as presented.

Mr. Chase called for voice vote.

Ayes – Aylor, Chase, Hansohn, Nixon, Underwood, Walker.

Motion carried 7 to 0.

THE BOARD WILL RECEIVE PUBLIC COMMENTS AND CONSIDER A PROPOSED GENERAL OBLIGATION SCHOOL BOND ISSUANCE

Mr. Bossio stated the public hearing was on the issuance of general obligation school bonds in an aggregate principal amount not to exceed \$7,500,000. He explained the Board was considering authorizing by resolution the issuance of a Literary Loan as permanent funding to repay temporary funding issued and obtained in December 2006 for construction of Yowell Elementary School. He noted the original temporary loan had to be retired and this new loan would also lower the interest rate.

Mr. Walker questioned the maximum amount that could be sought and Mr. Bossio responded \$7,500,000 was the maximum. Mr. Nixon asked what the term of the bonds would be. Mr. Bossio noted the term was for 20 years.

Mr. Chase opened the public hearing.

There being no one wishing to address the Board, the public hearing was closed.

Mr. Thorpe referenced the resolution that had been prepared by the Bond Counsel noting it needed to be approved.

Mr. Walker moved, Mr. Nixon seconded, that the Board approve the resolution authorizing the issuance of general obligation school bonds, Series 2009, in an aggregate principal amount not to exceed \$7,500,000 and their sale to the Commonwealth of Virginia for the benefit of the Literary Fund.

Mr. Chase called for voice vote.

Ayes – Aylor, Chase, Hansohn, Nixon, Underwood, Walker.

Motion carried 7 to 0.

NEW PLANNING COMMISSION BUSINESS – PUBLIC HEARING

CASE NO. U-2152-09-1. Request by Culpeper Corners Development, LLC for approval of a use permit to allow commercial (CS and SC zoning district) uses in an HI (Heavy Industrial) zoning district. The property is located at the intersection of Routes 15 / 29 and 666. The property contains 25.13 acres and is located in the Stevensburg Magisterial District. Tax Map/Parcel No. 42D(1) / 4,5,6,7 and 8.

Mr. McLearen presented the case for public hearing. He noted the Planning Commission considered the case after the proper advertising and public hearing on June 10, 2009. The Planning Commission found the proposed use permit request to be consistent with Article 17 of the Zoning Ordinance with the outlined conditions and recommended approval.

Mr. McLearen outlined the location and stated more retail, office and hotel use is desirable and it was the intent to have this type use when the property was rezoned a number of years ago. He described the proposed layout, interchange design, and briefly reviewed the potential conditions. He noted VDOT had indicated it could endorse the plan and work with the interchange design. Mr. Egertson stated with the conditions as outlined the case was being recommended for approval.

Mr. Aylor asked if the proposed use was in keeping with the overlay district. Mr. Egertson stated any development on the property would be subject to the overlay district and believed the hotel/retail use conformed better than heavy industrial use would.

Mr. Nixon asked if a traffic light would be needed on Route 666 based on the trip per day numbers. Mr. Egertson stated a traffic light was not needed based on the study made. He noted VDOT has certain warrants that have to be met prior to requiring a light and he wasn't sure what all of them were, but felt sure VDOT covered them.

Mr. Charlie Carter, Carter Planning Group, and Mr. Gordon Giuliano, representing the applicant, were present to present the request and answer questions.

Mr. Carter explained that the traffic impact analysis that had been performed had been completed under the new 527 rules. These rules required that everything be taken into consideration on all four quadrants. He stated the traffic signal was not warranted.

Mr. Carter informed the Board that VDOT had required that all of the right of way needed for the interchange was in place. He said the applicant had actually designed one quarter of the diamond interchange and it was ready to go. Mr. Nixon and Mr. Carter discussed the proposed interchange with Mr. Carter noting that VDOT had ruled out using a cloverleaf interchange for that area. In response to a question from the Board, he said he

could not be 100% sure, but did not believe VDOT would change from the diamond interchange design to a cloverleaf.

Mr. Chase opened the public hearing.

Mr. Wayne Stilwell briefly addressed the Board noting it appeared to be a good project and offered his support.

There being no one else wishing to address the Board, the public hearing was closed.

Mr. Nixon moved, Mr. Aylor seconded, approval of Case U-2152-09-1 as presented.

Mr. Chase called for voice vote.

Ayes – Aylor, Chase, Hansohn, Nixon, Underwood, Walker.

Motion carried 7 to 0.

ADJOURNMENT

Mrs. Hansohn moved to adjourn the meeting at 7:31 p.m.

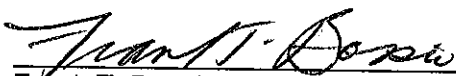


Donna B. Foster, MMC
Deputy Clerk



William C. Chase, Jr., Chairman

ATTEST:



Frank T. Bossio, Clerk to the Board